

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: 17 September 2007 Name: C. Noel Kaman Reg. No. 51,857 Signature: C. Noel Kaman

**BRINKS  
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GILSON  
& LIONE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: Brovelli et al.

Appln. No.: 10/774,092

Filed: February 6, 2004

Examiner: Leith

Art Unit: 1655



For:

**METHOD OF AUGMENTING THE  
IMMUNE-MODULATORY ACTIVITY OF  
STANDARDIZED ECHINACEA  
PREPARATIONS**

Attorney Docket No: 3086/1734 (AM1150)

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Sir:

**Attached is/are:**

- ☒ Transmittal Letter (in duplicate); and Amendment and Request for Reconsideration
- ☒ Return Receipt Postcard

**Fee calculation:**

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=			+ \$360=	
					Total	\$		Total	\$

**Fee payment:**

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

17 September 2007  
Date

C. Noel Kaman  
C. Noel Kaman (Reg. No. 51,857)

BRINKS HOFFER GILSON & LIONE  
NBC Tower – Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

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Commissioner for Patents  
Alexandra, VA 22313-1450



September 17, 2007

Date of Deposit

C. Noel Kaman, Reg. No. 51,857

Name of applicant, assignee or

Registered Representative

*C. Noel Kaman*

Signature

September 17, 2007

Date of Signature

Our Case No. 3086-1734

AM1150

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Brovelli et al.

Serial No. 10/774,092

Filing Date: February 6, 2004

For: METHOD OF AUGMENTING THE  
IMMUNE-MODULATORY ACTIVITY  
OF STANDARDIZED ECHINACEA  
PREPARATIONS

)  
)  
) Examiner Leith

)  
) Group Art Unit No. 1655

### AMENDMENT AND REQUEST FOR RECONSIDERATION

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office action mailed June 15, 2007, please reconsider the rejection of the claims amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of the claims, which begins on page 2 of this paper.

**Remarks / Arguments** begin on page 5 of this paper.